

# PATENT COOPERATION TREATY

mbm/kf

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To: BARBARA S. KITCHELL  
WILLIAMS, MORGAN & AMERSON P.C.  
7676 HILLMONT, SUITE 250  
HOUSTON, TEXAS 77040

## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

SEP 18 2001

Date of Mailing  
(day/month/year)

19 SEP 2001

Applicant's or agent's file reference

4450.001210

### IMPORTANT NOTIFICATION

International application No.

PCT/US00/07243

International filing date (day/month/year)

17 MARCH 2000

Priority Date (day/month/year)

17 MARCH 1999

Applicant

THE UNIVERSITY OF TENNESSEE RESEARCH CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

ROBERT C. HAYES, PH.D.

Telephone No. (703) 308-0196

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4350.001210	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/409)	
International application No. PCT/US00/07243	International filing date (day/month/year) 17 MARCH 2000	Priority date (day/month/year) 17 MARCH 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): C12N 15/10, 05/06 and US Cl.: 536/23.5, 25.4; 435/91.2		
Applicant THE UNIVERSITY OF TENNESSEE RESEARCH CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

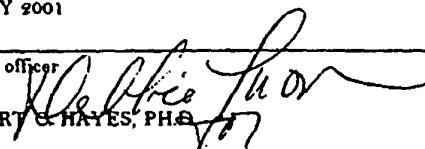
2. This REPORT consists of a total of 3 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand ✓ 13 OCTOBER 2000	Date of completion of this report 23 JULY 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  ROBERT C. HAYES, PH.D.
Facsimile No. (703) 306-3930	Telephone No. (703) 308-0196

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/07243

## I. Basis of the report

1. With regard to the elements of the international application:\*

☒ the international application as originally filed

☒ the description: \_\_\_\_\_, as originally filed  
 pages 1-54 \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the claims: \_\_\_\_\_, as originally filed  
 pages 55-58 \_\_\_\_\_  
 pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the drawings: \_\_\_\_\_, as originally filed  
 pages 1-4 \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the sequence listing part of the description: \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
 These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig. NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/07243

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. statement

Novelty (N)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

### 2. citations and explanations (Rule 70.7)

Claims 1-21 meet the criteria set out in PCT Article 35(2)-(3), because the prior art does not teach or fairly suggest cDNA libraries made from a pure population of pluripotent neural stem/progenitor cells.

Claims 1-21 meet the criteria set out in PCT Article 35(4), because the instant invention has industrial applicability.

\_\_\_\_ NEW CITATIONS \_\_\_\_

NONE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

US APPLICATION NO. (If known, see 37 CFR 1.5)

60/124,897

INTERNATIONAL APPLICATION NO.  
PCT/US00/07243INTERNATIONAL FILING DATE  
17 March 2000PRIORITY DATE CLAIMED  
17 March 1999

## TITLE OF INVENTION

MAKING AND USING MICRONCLONAL UNCLONED cDNA LIBRARIES

## APPLICANT(S) FOR DO/EO/US

SUSLOV, Oleg N.; STEINDLER, Dennis A., and KUKEKOV, Valery G.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
  4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
  6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unsigned)
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  14. ☐ A substitute specification.
  15. ☒ A change of power of attorney and/or address letter.
  16. ☒ Other items or information: return receipt postcard

EXPRESS MAIL LABEL NO. EL 740155835 US

U.S. APPLICATION NO. (If known, see 37 CFR 1.492(a)(1)-(5)) <b>60/124,897</b>		INTERNATIONAL APPLICATION NO. PCT/US00/07243		ATTORNEY'S DOCKET NUMBER 6704-13	
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<p>7. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b>          Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1000.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$860.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$710.00</b></p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$690.00</b></p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p>				<b>CALCULATIONS</b> PTO USE ONLY	
				<b>\$ 860.00</b>	<b>\$860</b>
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$ 130.00</b>	<b>130</b>
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	21 =	1	X \$18.00	\$	\$ 18.00
Independent claims	7 =	4	X \$80.00	\$	\$ 320.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			135	\$	\$ 135.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	<b>\$1,598.00</b>
Reduction by 1/2 for filing by small entity, if applicable. Small Entity Status is hereby claimed.				\$	\$ 799.00
<b>SUBTOTAL =</b>				\$	<b>\$ 799.00</b>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.429(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	<b>\$ 799.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1892.00</b>	<b>\$ 799.00</b>
				Amount to be refunded	\$
				Charged	\$

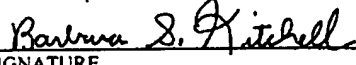
a. ☒ A check in the amount of \$ 799.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0951. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:  Barbara S. Kitchell Akerman, Senterfitt & Eidson, P.A. Post Office Box 3188 West Palm Beach, FL 33402-3188	<div style="text-align: center;">             SIGNATURE         </div> <div style="text-align: center;"> <u>Barbara S. Kitchell</u>            NAME         </div> <div style="text-align: center;"> <u>33,928</u>            REGISTRATION NUMBER         </div>
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